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7 702.631.6111

0 UNITED STATES DISTRICT COURT  
11 DISTRICT OF NEVADA

3	UNITED STATES OF AMERICA,	)	
		)	2:20-cr-00001-JCM-BNW
4	Plaintiff,	)	
		)	<b>STIPULATION TO CONTINUE</b>
5	vs.	)	<b>SENTENCING</b>
		)	(First Request)
6	CLAUDIA ANN MERRILL,	)	
		)	
7	Defendant.	)	
8	_____	)	

IT IS HEREBY STIPULATED AND AGREED, by and between JESSICA OLIVA,  
Assistant United States Attorney, counsel for Plaintiff, and BENJAMIN DURHAM and  
SANFORD SCHULMAN, counsel for Defendant, that the sentencing currently scheduled  
for July 17, 2020, be vacated and continued for approximately 60 days.

This Stipulation is entered into for the following reasons:

1. On March 19, 2020, the Chief Judge of the U.S. District Court for the District of Nevada issued Temporary General Order 2020-04, which noted that “the COVID-19

1 pandemic has continued to spread,” resulting in the need for “more aggressive social-  
2 distancing measures.” The Court noted further that, “[o]n March 17, 2020, the Governor of  
3 the State of Nevada ordered the closure of many business establishments and strongly  
4 encouraged all citizens to stay home.” Accordingly, the Court ordered the temporary closure  
5 of the Clerk’s office, and implemented other changes, including “striving to eliminate in-  
6 person court appearances.”  
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8         2. On March 30, 2020, the federal government issued an advisory for no travel  
9 through April 2020, and this Court issued its fifth order regarding, *inter alia*, sentencing  
10 procedures related to the pandemic, finding that sentencings cannot be conducted in  
11 person without “seriously jeopardizing public health and safety.”  
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13         3. Based on the ongoing public health emergency brought about by the COVID-19  
14 pandemic, and the required social-distancing measures as recognized in the General Orders  
15 and federal government, as well as to allow counsel for defendant sufficient time within  
16 which to be able to effectively complete certain tasks related to sentencing mitigation in  
17 order to effectively represent Ms. Merrill at the time of sentencing, the parties agree to the  
18 continuance. Ms. Merrill is not in custody and agrees to the continuance.  
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20         5. The additional time requested herein is not sought for purposes of delay.

21         6. Additionally, denial of this request for continuance could result in a miscarriage  
22 of justice.  
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27         ///  
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1           7. This is the first request to continue sentencing filed herein.  
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3           DATED this 1st day of July, 2020.  
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5           BENJAMIN DURHAM LAW FIRM

NICHOLAS TRUTANICH  
United States Attorney

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8           */s/ Benjamin Durham*

*/s/ Jessica Oliva*

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10          BENJAMIN DURHAM  
Nevada Bar No. 7684

\_\_\_\_\_  
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*Attorneys for Defendant*

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,	)	
	)	2:20-cr-00001-JCM-BNW
Plaintiff,	)	
	)	
vs.	)	
	)	
CLAUDIA ANN MERRILL,	)	
	)	
Defendant.	)	
_____	)	

**FINDINGS OF FACT**

Based on the pending stipulation of counsel, and good cause appearing, the Court finds:

1. On March 19, 2020, the Chief Judge of the U.S. District Court for the District of Nevada issued Temporary General Order 2020-04, which noted that “the COVID-19 pandemic has continued to spread,” resulting in the need for “more aggressive social-distancing measures.” The Court noted further that, “[o]n March 17, 2020, the Governor of

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18 5. The additional time requested herein is not sought for purposes of delay.

19 6. Additionally, denial of this request for continuance could result in a miscarriage  
20 of justice.

21 7. This is the first request to continue sentencing filed herein.

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23 For all of the above-stated reasons, the ends of justice would best be served by a  
24 continuance of the sentencing.

25 **CONCLUSIONS OF LAW**

26 The ends of justice served by granting said continuance outweigh the best interest of  
27 the public, since the failure to grant said continuance would be likely to result in a  
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1 miscarriage of justice, would deny the parties herein sufficient time and the opportunity  
2 within which to be able to effectively and thoroughly prepare for sentencing, taking into  
3 account the exercise of due diligence.  
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5 **ORDER**

6 IT IS HEREBY ORDERED that the sentencing currently scheduled for July 17, 2020  
7 be continued to September 25, 2020, at the hour of 10:00 a.m.  
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9 DATED July 6, 2020.

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12 UNITED STATES DISTRICT JUDGE  
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